

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FARHAD AHMED KOCHARY,)
)
Plaintiff,)
v.) No. 3:08-0724
) JUDGE ECHOLS
DEPARTMENT OF HOMELAND SECURITY,)
U.S. CITIZENSHIP AND IMMIGRATION)
SERVICES,)
)
Defendant.)

ORDER

This is an action brought by Plaintiff Farhad Ahmed Kochary seeking review of the delay of his naturalization application. Defendant United States Citizenship and Immigration Services first filed a Motion to Dismiss Pursuant to Fed.R. Civ.P. 12(h)(3) (Docket Entry No. 10) on the ground that Plaintiff's naturalization application had been denied, his complaint alleging delay was moot, and Plaintiff should be required to pursue administrative appeal. Thereafter, on January 2, 2009, Defendant filed a Second Motion to Dismiss Complaint As Moot And For Lack of Subject Matter Jurisdiction (Docket Entry No. 12), notifying the Court that Plaintiff's naturalization application was approved on reconsideration and Plaintiff has been directed to appear for a naturalization ceremony on January 22, 2009. Plaintiff did not respond to either of these motions.

The exhibits attached to the Memorandum supporting Defendant's Second Motion to Dismiss (Docket Entry No. 13-1 and 13-2) confirm that Plaintiff's application for naturalization has been granted and Plaintiff has been notified of a date for his naturalization ceremony. Having failed to respond to the pending motions, Plaintiff has not identified any deficiency in the naturalization approval process that presently requires the Court's attention, and there is no longer a live controversy pending before the Court. Ford v. Wilder, 469 F.3d 500, 504 (6th Cir. 2006). Accordingly,

(1) Defendant's Second Motion to Dismiss Complaint As Moot And For Lack of Subject Matter Jurisdiction (Docket Entry No. 12) is hereby GRANTED;

(2) Defendant's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(h)(3) (Docket Entry No. 10) is hereby DENIED AS MOOT;

(4) This case is hereby DISMISSED AS MOOT; and

(5) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE